

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 9231 of 2006(Y)

CRIME NO.49 OF 2004 OF EXCISE RANGE OFFICE, THIRUVANANTHAPURAM

.....

PETITIONER:

A.N. CHANDRASENAN,
SON OF LAKSHMANA PANICKER, POOVANVILAKATH,
MALAYINKEEZHU P.O., NEYYATTINKARA,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THE CIRCLE INSPECTOR OF EXCISE,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.S.U.NAZER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 9231 of 2006(Y)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE LICENCE ISSUED BY THE 3RD RESPONDENT TO
THE PETITIONER.

EXT.P2: TRUE COPY OF THE CRIME AND OCCURRENCE REPORT NO.49 OF 2004
DATED 9.7.04 ALONG WITH THE CERTIFICATE OF CHEMICAL ANALYSIS
DATED 16.03.2004.

/TRUE COPY/

P.A TO JUDGE

R.BASANT, J

W.P(C).No.9231 of 2006

Dated this the 22nd day of March, 2007

JUDGMENT

The learned counsel for the petitioner prays, the learned Government Pleader does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni and another** [2007(1) KLJ (S.C) 97], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Writ Petition is, in these circumstances, allowed. All proceedings in pursuance of Crime No.49 of 2004 of Excise Range Office, Thiruvananthapuram against the petitioner are hereby quashed.

(R.BASANT, JUDGE)

rtr/-